

REMARKS

Please reconsider the patentability of the rejected claims based on the above amendments and the following arguments. Claims 1-2 and 4-11 are amended to merely clarify the recited subject matter and new claims 13-17 (directed to a network element and patentable for reasons similar to those presented herein) are added to more fully claim the disclosed invention. Claims 1-17 are pending.

The Office Action rejected claims 1-4, 7, 8, 10 and 11 under 35 U.S.C.102(e) as being anticipated by Criss et al. (US 2006/0002340; hereafter “Criss”), rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Criss in view of Sanmugam (U.S. 5,734,977), and rejected claims 6, 9 and 12 under 35 U.S.C. 103(a) as being unpatentable over Criss in view of Clarke et al. (U.S. 5,793,752; hereafter “Clark”).

Applicant maintains the traversal of the rejections because the cited prior art, analyzed individually or in combination, fail to disclose, teach or suggest all the features recited in the rejected claims. For example, the cited prior art fails to disclose, teach or suggest the claimed invention including “starting tracing in the functional entity, which tracing comprises sending to the tracer a copy of a signaling message related to the subscriber to be traced in response to receiving or transmitting the signaling message in the functional entity” (claim 1), “the network element is arranged to be responsive to the trace command, and to send to the tracer a copy of a signaling message related to the subscriber in response to the network element receiving or transmitting the signaling message”(claim 7), and “means for sending to the tracer copies of the signaling messages related to the subscriber to be traced, wherein a copy of the separated signaling message sent to the tracer is identical to the separated signaling message” (claim 10), “wherein a copy of the [separated] signaling message sent to the tracer is identical to the [separated] signaling message.”

As explained previously, Criss merely relates to upgrading mobile device operating software. As a result, Criss fails to teach or suggest on the subject of signalling messages. As one of ordinary skill in the art would readily understand, a signaling message consists of signaling information that is transferred as an entity.

Furthermore, Applicant directs the Office’s attention to Applicant’s Figure 3, wherein a message is denoted by 3-2, for example; Applicant’s specification teaches, for example, on page 1, lines 14-16 that “[t]o provide the services, the network elements or processes of the mobile communication system have to exchange information on the subscriber. This information is exchanged using **signaling messages**.” Accordingly, Applicant has clearly defined the term

“signalling message” in such a way that an “address” cannot correspond to a “message;” however, an address may be sent in a signalling message, i.e., a signalling message may comprise an address, and other information, but a signaling message is not an address or an entry in a table.

Thus, Criss’s boot up table does not contain any messages; rather, the boot up table merely contains a hardware address for each mobile terminal, an IP address and a boot file called package name indicating which package definition file shall be used with the mobile terminal (see chapters 0054-0057). Each package definition file contains a version identifier for the operating software, an indication indicating of the total memory occupied by the operating software and an indicator of a download mode for the operating software, directory path in the mobile terminal and a directory path in an FTP server, information relating to file type and indication should the file to be stored to ROM or RAM. However, none of these stored pieces of information relates to signaling messages.

Additionally, Applicant submits that Criss, analyzed individually or in combination with the other cited prior art, does not disclose, teach or suggest tracing signalling messages. Tracing means finding something or following something. To the contrary, the term “checking,” particularly as it is used in Criss, merely refers to examining something or confirming something. Thus, one of ordinary skill in the art would have recognized that Criss’s checking whether a mobile station has the most updated version of operating software does not constitute the claimed tracing of signaling messages.

If the Office maintains the rejection of the claimed invention based on the cited prior art, Applicant requests that a next action clarify the following two points: (1) exactly what in Criss’s bootptab table corresponds to the claimed “signalling message,” and the exact passage where Criss allegedly discloses that the item corresponding to the claimed signalling message is sent to a tracer and/or to/from a mobile station; and (2) exactly what in Criss allegedly corresponds to the claimed “command,” and what in that item indicates a tracer and what identifies the mobile station.

Even assuming for argument’s sake only that Criss’s host could correspond to the claimed functional entity and that Criss’s mobile terminal could correspond to a subscriber whose signaling messages are to be traced, further explanation must be provided regarding how Criss, analyzed individually or in combination with the other cited prior art, could possibly teach or suggest the claimed tracer to which the copies of signaling messages are sent.

Furthermore, because Criss's information exchange occurs between the mobile terminal and the host, Criss's actually teaches away from the claimed invention in which a copy of a message is sent to the tracer in response to reception or transmission of a signaling message related to the subscriber to be traced.

Sanmugam fails to remedy the deficiencies of Criss because Sanmugam merely teaches that signaling may convey information on various mobile activities (column 25, lines 59-60) and that activities are traced. However, Sanmugam clearly teaches that a signaling message does not correspond to an activity. Accordingly, Sanmugam merely teaches to trace activities, whereas the claimed invention relates to tracing signaling messages. Thus, Sanmugam fails to teach or suggest sending a tracing command identifying at least one subscriber whose signaling messages are to be traced.

Clarke similarly fails to remedy the above-identified deficiencies of Criss because Clark merely teaches that, upon monitoring, information on the monitored message is stored (Fig 4 in Clarke) and this collected functionality information is sent in a probe report message (column 10, lines 47-50). Thus, Clarke teaches excerpting information from signaling messages and periodically sending this excerpted information. However, this excerption and periodic sending of a subset of message information does not constitute sending a copy of a signaling message in response to the reception or transmission of a signaling message.

As a result, the combined teachings of Criss with either Sanmugam and Clarke fail to disclose, teach or suggest sending, to the tracer, a copy of a signalling message in response to the reception or transmission of a signalling message related to the subscriber to be traced, wherein the copy of the signalling message sent to the tracer is identical to the signalling message of the subscriber. Accordingly, claims 1-12 are patentable over the cited prior art.

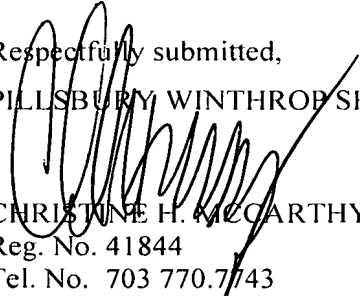
All objections have been addressed. If anything further is necessary to place the application in condition for allowance, Applicant requests that the Examiner contact Applicant's undersigned representative at the telephone number listed below.

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Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



CHRISTINE H. MCCARTHY

Reg. No. 41844

Tel. No. 703 770.7743

Fax No. 703 770.7901

Date: February 20, 2007  
P.O. Box 10500  
McLean, VA 22102  
(703) 770-7900